

**JUDGE STEIN**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**ORIGINAL**-----x  
UNITED STATES OF AMERICA

-v.-

JOSE HERNANDEZ  
a/k/a "Losi,"INDICTMENT

07 Cr.

**07 CRIM1044**

Defendant. -----x

COUNT ONE

The Grand Jury charges:

1. From at least in or about May 2007, up to and including on or about August 15, 2007, in the Southern District of New York and elsewhere, JOSE HERNANDEZ, a/k/a "Losi," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE HERNANDEZ, a/k/a "Losi," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal objects thereof, the following overt act, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 14, 2007, JOSE HERNANDEZ, a/k/a "Losi," the defendant, traveled to 2200 Powell Avenue, in the Bronx, New York, and 2100 Anthony Avenue, in the Bronx, New York, both of which were used as stash houses for cocaine and drug paraphernalia.

(Title 21, United States Code, Section 846.)

Forfeiture Allegations as to Count One

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, JOSE HERNANDEZ, a/k/a "Losi," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of the Indictment, including but not limited to the following:

a. Money Judgment

A sum of money, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense.

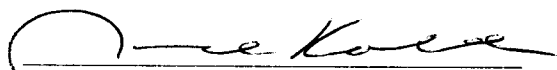
Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of JOSE HERNANDEZ, a/k/a "Losi," the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;  
or
- e. has been commingled with other property which cannot be subdivided without difficulty;

It is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of JOSE HERNANDEZ, a/k/a "Losi," the defendant, up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

